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8 Attorneys for Plaintiffs,  
9 SONY BMG MUSIC ENTERTAINMENT;  
10 and UMG RECORDINGS, INC.

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 SONY BMG MUSIC ENTERTAINMENT, a  
15 Delaware general partnership; and UMG  
16 RECORDINGS, INC., a Delaware corporation,

17 Plaintiffs,

18 v.

19 TREVOR SPIETH AKA TREVOR RUNNELS,

20 Defendant.

CASE NO. 3:07-CV-04855-SI

HONORABLE SUSAN ILLSTON

**DECLARATION OF DAWNIELL ALISE  
ZAVALA IN SUPPORT OF *EX PARTE*  
APPLICATION FOR LEAVE OF COURT  
TO CONDUCT TELEPHONIC  
DEPOSITION**

**DECLARATION OF DAWNIELL ALISE ZAVALA**

I, Dawniell Alise Zavala, under penalty of perjury, hereby declare:

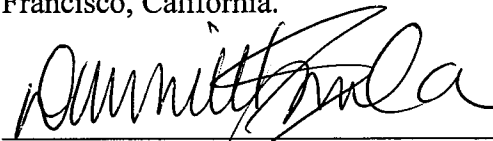
1. I am an associate with the law firm of Holme Roberts & Owen LLP, which serves as lead national counsel for the record companies in all actions like the current case. I have personal knowledge of all facts set forth in this declaration, except as where stated on information and belief. As to such facts, I believe them to be true.

2. On information and belief, Eric Tracy, an investigator at Holme Roberts & Owen, discovered the name and contact information of Defendant's friend, Brittany Holmes through the normal course of investigation. Ms. Holmes resides in Sacramento, California. On June 5, 2008, Mr. Tracy spoke with Ms. Holmes for the purpose of finding an address to serve Defendant with the summons and complaint, but Ms. Holmes did not provide Mr. Tracy with Defendant's address. Instead, Ms. Holmes promised to call Mr. Tracy back with this information, but never did. Mr. Tracy again tried reaching Ms. Holmes on July 9, 2008 by leaving a message at her telephone number, but has not heard back from her regarding Defendant's whereabouts.

3. Because Ms. Holmes resides in Sacramento, a live deposition would be expensive, especially given the amount at issue in the case. Plaintiffs request to take a telephonic deposition to minimize cost. Further, the sole purpose of the deposition is to discover address and contact information of Defendant, for service of the summons and complaint.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 16th day of July, 2008 at San Francisco, California.



Dawniell Alise Zavala